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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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South Sudan – The Urgent Need to Resolve the Current Conflict*

In South Sudan the Sudan People's Liberation Army (SPLA) and the Sudan People's Liberation Army in-Opposition (SPLA-IO) remain in conflict and continue to commit grave human rights violations against innocent civilians. United Nations reports and press releases have indicated that the atrocities committed may amount to crimes against humanity as it has even been reported that humanitarian camps, including UN camps, have been under attack by soldiers who also seize humanitarian aid and at times abduct residents from the camp.

While it appears that the government is taking positive steps to alleviate the human rights violations committed, mainly by soldiers, such as the recent introduction of registering SPLA soldiers into a biometric system1, much more needs to be done to bring justice, healing and reconciliation to the victims.

Humanitarian Situation, Children, and the Future Generation

Many humanitarian workers in South Sudan have made complaints that they are unable to reach their destinations to provide humanitarian aid to victims due to confiscations or roadblocks on the ground despite receiving authorisation from the top. This non or miscommunication warrants an explanation from the government of South Sudan who must then ensure that communication will be enhanced such that humanitarian aid reaches those in need and that humanitarian workers will not fear for their lives.

Recent on the ground reports illustrate a total destruction of people's homes and villages via looting and arson. In light of these facts, serious consideration of possible and adequate relocation areas must be set-up as hundreds of former residents have no homes to go back to. Moreover, destruction to some villages also includes the destruction of their agriculture, crops, and food production further putting them in peril.2

There is serious concern for the thousands of children experiencing the conflict (some born in conflict) in South Sudan. Reports indicate that children are raped and killed and the survivors have to psychologically deal with the trauma they have witnessed first-hand. In many cases the children are too young to comprehend what is happening. These tragedies signify that the future generation of thousands of young adults will experience their youth quite possibly facing intense psychological trauma. If little to nothing is being done and if the situation of all children and youth is taken lightly then this will bring about a generation grown in suffering and deprived of an education as the system is now almost non-existent particularly for child victims and children residing in Protection of Civilians (POC) sites.3

Moreover, earlier this month (January 2018) several reports found that child soldiers were being recruited and used in a number of government forces and militias including a government funded militia that is headed by the First Vice President of South Sudan, Taban Deng Gai4. The use of child soldiers is prohibited under human rights law (under the age of 18) and international humanitarian law (under the age of 15).

Witness Testimony

According to witness testimony via a statement given to the Commission on Human Rights in South Sudan, civilians were targeted based on their skin tone as it somehow determined which ethnic group they belonged to. Survivors allege

1 http://www.eyeradio.org/spla-soldiers-registered-biometric-system/
2 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22107&LangID=E
3 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22545&LangID=E
4 https://messengerafrica.com/2018/01/17/south-sudans-vp-leads-militia-employing-hundreds-of-child-soldiers-report/

that this was the determining factor that SPLA soldiers took into account regarding who to kill and not to kill. This information cannot be taken lightly and any investigation concerning the perpetrators and the root causes of the current violence in South Sudan must consider this allegation.

In previous Human Rights Council Sessions, the representatives of South Sudan have claimed that there is no targeting of individuals from specific ethnic groups. If this is the case, the situation must be investigated by all means possible through a specific fact-finding mission that is capable of assessing whether the crimes and violations in South Sudan amount to genocide as defined under the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and in cooperation with the Commission on Human Rights in South Sudan and the government of South Sudan. Another recurrent allegation by women of all ages claim that gang-rape by soldiers is rampant and common and that victims range from the girl child to elderly women. The testimonies allege that soldiers strategically rape wives in front of their husbands and rape mothers in front of their children in order to humiliate and break down their morale.

Witness testimony is necessary and useful for aiding to identify the crime and the perpetrator(s) and also for the victim to have a voice. However, many are fearful of reprisals, particularly from soldiers who occupy the towns and are thus silent in reporting crimes and violations. Moreover, trials are not conducted as most courts are not equipped to handle the kinds of crimes committed; therefore, perpetrators have enjoyed impunity.5 Reports claim that among soldiers and within their forces there appears to be no repercussions or punishment for their atrocities thus leaving no justice for the victims. These allegations indicate that there is a serious lack of training among the ranks of officers and soldiers and that there is not enough accountability at the highest level.

All things considered, witness testimony must be taken seriously and accounts have to be documented and investigated. Keeping a record is necessary as it may aid in accounting for crimes in the future when an adequate court is established. On Protection of Civilians (POC) sites and within refugee camps many victims tell of similar accounts regarding the atrocities inflicted on them and the human rights violations committed by soldiers; therefore, this is an indication that there is systematic abuse taking place in South Sudan.

Impunity

Impunity is a serious issue that is often highlighted with regards to immediate and urgent steps towards ending the grave atrocities on civilians in South Sudan and moving towards justice. According to the Human Rights Commission in South Sudan there is currently no access to justice for many of the human rights violations committed by soldiers of the warring parties. In addition to crimes against civilians and according to investigations and on the ground reports rapes and sexual violence, looting, abductions of women and children, cattle raids, and the burning of villages, crops, and homes constitute the array of human rights violations that are committed with complete impunity.6

The atrocities in South Sudan have increased and spread throughout the country, whereas previously they were limited to certain counties. Furthermore, the severity of atrocities has increased, particularly regarding rapes and sexual violence, as noted by witness testimony. It is assumed that these horrific assaults are to break social norms and the morale and hopes of the victims.

There are several obstacles preventing the establishment of the Truth Commission and the Compensation Authority. Security is perhaps the main obstacle but also the fact that the government of South Sudan has opted to prioritize National Dialogue instead. As long as impunity prevails the situation will worsen and the atrocities will escalate in severity and spread in numbers.

The Commission on Truth, Healing and Reconciliation & Compensation and Reparations Authority must be immediately established as it is clear that with complete impunity perpetrators will continue committing grave atrocities

5 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22545&LangID=E
6 http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22559&LangID=E

throughout the country. Moreover, victims will not get their due justice and the much-needed reconciliation process will only be further delayed.

Conclusion and Recommendations

While reports that soldiers in South Sudan continue to commit grave human rights violations and serious crimes against civilians, it should also be noted that not all soldiers are perpetrators. The Ministry of Defence has recently implemented a biometric system for soldiers in order to fight corruption in the army and with the assistance of United Nations Mission in South Sudan's Child Protection Unit a workshop was organised to train soldiers on their responsibility to protect civilians and especially children. Such efforts need to be more widespread across South Sudan as well as encouraged by the UN Human Rights Council (HRC), the African Union, and regional partners such as the East African community. Additionally, the HRC should delegate the necessary divisions within the UN system that can provide the necessary monetary and technical assistance.

Therefore, it is recommended:

- The government of South Sudan must *commit* and *ensure* that communication and human rights training of personnel from the highest level to on the ground personnel will be enhanced.
- UN Human Rights Council *should appoint* the appropriate specific UN offices to ensure that the top authorities of the South Sudanese government receive the necessary technical and financial assistance to facilitate and enhance communication and human rights training.
- The African Union should *take a larger role* in assisting with the establishment of a hybrid court.
- Neighbours of South Sudan and the region at large, particularly the East Africa region, should *seriously* and *urgently* take the warranted and much needed action to help their neighbouring brothers and sisters in South Sudan.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGO(s) without consultative status, also share the views expressed in this statement.